

# Exhibit J

District Judge Lauren King

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,

Defendants.

CASE NO. 2:25-cv-00244-LJK

DEFENDANTS' OBJECTIONS AND  
RESPONSES TO PLAINTIFFS' FIRST  
SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION

**DEFENDANTS' OBJECTIONS AND RESPONSES TO PLAINTIFFS' FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Pursuant to Fed. R. Civ. P. 26, 33, and 34, Defendants hereby provide objections and responses to Plaintiffs' first set of interrogatories and requests for production. Defendants reserve the right to assert additional objections as appropriate and to amend or supplement these objections and responses in accordance with the applicable rules and orders on discovery during the course of this action.

**GENERAL OBJECTIONS**

1. Defendants object to the interrogatories and requests for production to the extent they were served pursuant to the Court's prior grant of expedited discovery relating to Plaintiffs' motion

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and Requests for Production  
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U.S. DEPARTMENT OF JUSTICE  
CIVIL DIVISION, FEDERAL PROGRAMS BRANCH  
1100 L STREET, NW  
WASHINGTON, DC 20005  
202-305-0845

1 for contempt, which was based on the National Institutes of Health's (NIH's) termination of NIH  
2 Grant No. 5R21HD107311. *See* Order Denying Plaintiffs' Motion for Contempt and Attorney's Fees  
3 and Granting Plaintiffs' Motion for Expedited Discovery, ECF No. 258. That grant has been  
4 reinstated, and therefore any such expedited discovery, and any discovery relating to the contempt  
5 issues Plaintiffs previously raised, is moot.

6       2. Defendants object to the interrogatories and requests for production as overbroad to  
7 the extent they are directed at all Defendants, yet only concern a grant termination by NIH, a  
8 subagency of a single Defendant, the U.S. Department of Health and Human Services (HHS). *See*  
9 ECF No. 258 at 15 & n.5 (noting that Plaintiffs' requested expedited discovery "is limited to the  
10 circumstances surrounding the Grant termination" and "declin[ing] to entertain Plaintiffs' expanded  
11 request"). Plaintiffs offer no reason to think that discovery from non-HHS defendants on this topic  
12 is proportional to the needs of the case or would result in disclosure of relevant information. As a  
13 result, the burden of requiring more than a dozen other agencies to provide responses to inquiries  
14 regarding NIH's termination of a grant far outweighs any potential and purely speculative benefit.  
15 *See, e.g., O. L. v. City of El Monte*, 2021 WL 926392, at \*3 (C.D. Cal. Feb. 1, 2021) ("Plaintiff has  
16 not met her initial burden to show relevance. Further, the Court finds separately that requiring an  
17 answer based on any speculative relevance would be disproportionate to the needs of the case taking  
18 into account the factors under Rule 26(b)(1).").

### 19                   **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

20       1. Defendants object to Definitions 1, 3, and 4, and Instructions 3, 4, 6, and 7, to the  
21 extent they seek to impose upon Defendants obligations that are inconsistent with or greater than  
22 obligations imposed by Federal Rules of Civil Procedure 26, 34, and 45.

23       2. Defendants object to Definition 3 as overbroad to the extent, when applied to  
24 Defs.' Objs. & Resps. to Plaintiffs' First Set of Interrogatories  
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Plaintiffs’ interrogatories and requests for production, it directs those interrogatories and requests for production at all Defendants, when such interrogatories and requests for production only concern a grant termination by NIH, a subagency of HHS. As set out in General Objection 2, Plaintiffs offer no reason to think the purely speculative benefit of discovery from non-HHS Defendants on the topic of NIH’s grant termination outweighs the burden and expense of such discovery. Accordingly, Defendants will construe Definition 3 as including only HHS (including its sub-agency NIH).

3. Defendants further object to Definition 3 to the extent it seeks discovery from the President. In addition to the weighty separation of powers considerations applicable to litigation against the President, the “high respect that is owed to the office of the Chief Executive . . . is a matter that should inform the conduct of the entire proceeding, including the timing and scope of discovery.” *Cheney v. U.S. Dist. Ct. for Dist. of Columbia*, 542 U.S. 367, 385 (2004) (quotations omitted). Plaintiffs bear the heavy “burden of showing the propriety of [such] requests,” not the Executive Branch, *id.* at 388, and they have not even attempted to do so. As already set out, Defendants’ construal of Definition 3 will exclude the President.

4. Defendants further object to Definition 3 to the extent, when applied to Plaintiffs’ interrogatories and requests for production, it would require Defendants to supply information not within their knowledge, or produce documents not within their possession, custody, or control.

### **INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify all persons involved in the decision to terminate Grant No. 5R21HD107311, including, but not limited to, each author or contributor in any part to Exhibits A and B to the declaration of Kym Ahrens (Dkt. ##244-1, 244-2). For each, describe the person’s role in the grant’s termination.

**OBJECTIONS TO INTERROGATORY NO. 1:** Defendants object to this interrogatory insofar as it seeks information covered by the deliberative process, attorney-client, work product, or

1 any other privilege.

2 Defendants further object to this request because it seeks information not relevant to the  
3 claims and defenses in this case.

4 **RESPONSE TO INTERROGATORY NO. 1:** Consistent with Defendants' objections,  
5 Defendants will not furnish information in response to this request.

6 **INTERROGATORY NO. 2:** Identify and describe all criteria used to determine whether  
7 Grant No. 5R21HD107311 "effectuate[s] [NIH's] priorities," Ahrens Decl., Ex. B (Dkt. #244-2),  
8 including, as applicable, any key words used to identify already-awarded grants that no longer  
9 "effectuate[s] [NIH's] priorities."

10 **OBJECTIONS TO INTERROGATORY NO. 2:** Defendants object to this interrogatory  
11 insofar as it seeks information covered by the deliberative process, attorney-client, work product, or  
12 any other privilege.

13 Defendants further object to this request because it seeks information not relevant to the  
14 claims and defenses in this case.

15 **RESPONSE TO INTERROGATORY NO. 2:** Consistent with Defendants' objections,  
16 Defendants will not furnish information in response to this request.

17 **INTERROGATORY NO. 3:** Identify all authors of the social media post attached as  
18 Exhibit 2 to the Declaration of William McGinty (Dkt. #245-2), including each person's name, job  
19 title, business address, email address, their role in the Department of Government Efficiency, and  
20 their role in decision to terminate Grant No. 5R21HD107311.

21 **OBJECTIONS TO INTERROGATORY NO. 3:** Defendants object to this request insofar  
22 as it seeks documents covered by the deliberative process, attorney-client, work product, or any  
23 other privilege.

24 Defendants further object to this request because it seeks information not relevant to the  
claims and defenses in this case.

**RESPONSE TO INTERROGATORY NO. 3:** Consistent with Defendants' objections,  
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Defendants will not furnish information in response to this request.

**INTERROGATORY NO. 4:** Identify the document attached as Exhibit 6 to the Declaration of William McGinty (Dkt. #245-6), including a description of what it is, which agency or agencies it originated in, the names or all authors, editors, or approvers who produced it, to whom it was distributed, and the purposes for which it was used.

**OBJECTIONS TO INTERROGATORY NO. 4:** Defendants object to this request insofar as it seeks documents covered by the deliberative process, attorney-client, work product, or any other privilege.

Defendants further object to this request because it seeks information not relevant to the claims and defenses in this case.

**RESPONSE TO INTERROGATORY NO. 4:** Consistent with Defendants' objections, Defendants will not furnish information in response to this request.

**REQUESTS FOR PRODUCTION**

**REQUEST NO. 1:** All drafts of the following documents, included as an exhibit to the declarations of Kym Ahrens (Dkt. #244) and William McGinty (Dkt. #245): Ahrens Decl., Exs. A-B (Dkt. ##244-1, 244-2), and McGinty Decl., Ex. 6 (Dkt. #245-6).

**OBJECTIONS TO REQUEST NO. 1:** Defendants object to this request because it seeks documents covered by the deliberative process privilege, and insofar as it seeks documents covered by attorney-client, work product, or any other privilege.

Defendants further object to this request because it seeks information not relevant to the claims and defenses in this case.

**RESPONSE TO REQUEST NO. 1:** Consistent with Defendants' objections, Defendants will not produce documents in response to this request.

**REQUEST NO. 2:** All drafts of the document titled "Staff Guidance –Award Assessments for Alignment with Agency Priorities – March 2025" referenced in Exhibit 5 of the declaration of William McGinty (Dkt. #245-5).

1       **OBJECTIONS TO REQUEST NO. 2:** Defendants object to this request because it seeks  
2 documents covered by the deliberative process privilege, and insofar as it seeks documents covered  
3 by attorney-client, work product, or any other privilege.

4       Defendants further object to this request because it seeks information not relevant to the  
5 claims and defenses in this case.

6       **RESPONSE TO REQUEST NO. 2:** Consistent with Defendants' objections, Defendants  
7 will not produce documents in response to this request.

8       **REQUEST NO. 3:** All communications related to the following documents, included as an  
9 exhibit to the declarations of Kym Ahrens (Dkt. #244) and William McGinty (Dkt. #245): Ahrens  
Decl., Exs. A-B (Dkt. ##244-1, 244-2), and McGinty Decl., Ex. 6 (Dkt. #245-6).

10       **OBJECTIONS TO REQUEST NO. 3:** Defendants object to this request insofar as it seeks  
11 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

12       Defendants further object to this request because it seeks information not relevant to the  
13 claims and defenses in this case.

14       **RESPONSE TO REQUEST NO. 3:** Consistent with Defendants' objections, Defendants  
15 will not produce documents in response to this request.

16       **REQUEST NO. 4:** All documents related to NIH's claims that "Research programs based  
17 on gender identity are often unscientific, have little identifiable return on investment, and do nothing  
18 to enhance the health of many Americans. Many such studies ignore, rather than seriously examine,  
biological realities." Ahrens Decl., Ex. A (Dkt. #244-1).

19       **OBJECTIONS TO REQUEST NO. 4:** Defendants object to this request insofar as it seeks  
20 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

21       Defendants further object to this request because it seeks information not relevant to the  
22 claims and defenses in this case.

23       **RESPONSE TO REQUEST NO. 4:** Consistent with Defendants' objections, Defendants

1 will not produce documents in response to this request.

2 **REQUEST NO. 5:** All documents related to NIH's claim that "It is the policy of NIH not to  
3 prioritize these research programs." Ahrens Decl., Ex. A (Dkt. #244-1).

4 **OBJECTIONS TO REQUEST NO. 5:** Defendants object to this request insofar as it seeks  
5 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

6 Defendants further object to this request because it seeks information not relevant to the  
7 claims and defenses in this case.

8 **RESPONSE TO REQUEST NO. 5:** Consistent with Defendants' objections, Defendants  
9 will not produce documents in response to this request.

10 **REQUEST NO. 6:** All documents related to NIH's claims that "This award related to  
11 Transgender issues no longer effectuates agency priorities." Ahrens Decl., Ex. B (Dkt. #244-2).

12 **OBJECTIONS TO REQUEST NO. 6:** Defendants object to this request insofar as it seeks  
13 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

14 Defendants object to this request because it seeks information not relevant to the claims and  
15 defenses in this case.

16 **RESPONSE TO REQUEST NO. 6:** Consistent with Defendants' objections, Defendants  
17 will not produce documents in response to this request.

18 **REQUEST NO. 7:** All documents that include descriptions of policies, procedures, or  
19 guidance regarding termination of NIH grants dated between January 20, 2025 and March 6, 2025.

20 **OBJECTIONS TO REQUEST NO. 7:** Defendants object to this request insofar as it seeks  
21 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

22 Defendants object to this request because it seeks information not relevant to the claims and  
23 defenses in this case.



1       **RESPONSE TO REQUEST NO. 7:** Consistent with Defendants' objections, Defendants  
2 will not produce documents in response to this request.

3       **REQUEST NO. 8:** All documents related to your answers to any of the foregoing  
4 interrogatories.

5       **OBJECTIONS TO REQUEST NO. 8:** Defendants object to this request insofar as it seeks  
6 documents covered by the deliberative process, attorney-client, work product, or any other privilege.

7       Defendants object to this request because it seeks information not relevant to the claims and  
8 defenses in this case.

9       **RESPONSE TO REQUEST NO. 8:** Consistent with Defendants' objections, Defendants  
10 will not produce documents in response to this request.

1 DATED this 18<sup>th</sup> day of April, 2025.

2 Respectfully submitted,

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7 /s/ Christian S. Daniel

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